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BANGALORE, WEDNESDAY, DECEMBER 3, 1975
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No. 4894

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 95 LCA 1975.

Bangalore, dated 3rd December 1975.

Ordered that the Maintenance of Internal Security (Fourth Amendment) Ordinance 1975 (22 of 1975) published in Part II, Section I of the Gazette of India, Extraordinary dated 16th November 1975 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government,
Department of Law and Parliamentary Affairs

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 16th November 1975/Kartika 25, 1897 (Saka)

THE MAINTENANCE OF INTERNAL SECURITY (FOURTH AMENDMENT) ORDINANCE 1975.

No. 22 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance further to amend the Maintenance of Internal Security Act, 1971.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975.

(2) This section and section 5 shall come into force at once; section 2 shall be deemed to have come into force on the 25th day of June, 1975 and sections 3 and 4 shall be deemed to have come into force on the 29th day of June, 1975.

2. **Amendment of section 3.**—In section 3 of the Maintenance of Internal Security Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act), in sub-section (3), for the words "twelve days" at both the places where

they occur, the words "twenty days", and for the words "twenty-two days", the words "twenty-five days" shall be substituted.

3. Amendment of section 14.—In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The expiry or revocation of a detention order (hereafter in this sub-section referred to as the earlier detention order) shall not bar the making of another detention order (hereafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person :

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall, in no case, extend beyond a period of twelve months from the date of detention under the earlier detention order or until the expiry of the Defence and Internal Security of India Act, 1971, (42 of 1971) whichever is later"

4. Amendment of section 16A. In section 16A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) If the State Government makes a declaration under sub-section (2) that the detention of any person in respect of whom a detention order is made by an officer subordinate to that Government is necessary for dealing effectively with the emergency, the State Government shall be deemed to have approved such detention order and the provisions of sub-section (3) of section 3, in so far as they relate to the approval of the State Government, and of sub-section (4) of that section, shall not apply to such detention order."

5. Validation.—Any act or thing done or purporting to have been done, before the commencement of this section, under the principal Act in respect of any person against whom an order of detention was made under that Act on or after the 25th day of June, 1975 or in respect of any such order of detention shall, for all purposes, be deemed to be as valid and effective as if the amendments made to the principal Act by this Ordinance had been in force at all material times.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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